

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2017-0061 – Velocity E. 12<sup>th</sup> Street

**P.C. DATE:** July 11, 2017

**ADDRESS:** 705 E 12<sup>th</sup> Street

**DISTRICT AREA:** 1

**OWNER/APPLICANT:** Velocity (Debbie Mitchell)

**AGENT:** Armbrust & Brown, PLLC (Richard T. Suttle, Jr.)

**ZONING FROM:** CS **TO:** CBD

**TOTAL AREA:** 1.014 acres (44,168 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends rezoning the tract locally known as 705 E 12<sup>th</sup> Street from general commercial services (CS) district to Central Business District (CBD) zoning.

**PLANNING COMMISSION RECOMMENDATION:**

July 11, 2017 *APPROVED CBD ZONING AS STAFF RECOMMENDED, BY CONSENT  
[J. SCHISLER; P. SEEGER - 2ND] (11-0) A. DE HOYOS-HART, J. THOMPSON  
OFF THE DAIS*

**ISSUES:**

None on subject tract.

**DEPARTMENT COMMENTS:**

The subject tract is 1.014 acres (44,168 sq. ft.) and is comprised of four unplatted lots on the south side of E 12<sup>th</sup> Street, between Sabine Street to the west and the IH-35 access road to the east. The street address is 705 E 12th Street.

The tract is zoned general commercial services (CS). In 1961, a one-story office building was constructed onsite, in addition to a large canopy which covers part of the parking lot. The building currently serves as a bank office. The parking lot area is fenced and gated. Access is currently taken from Sabine Street and E 12<sup>th</sup> Street. There is a tract across Sabine Street to the west which is concurrently proposed for rezoning to CBD. (C14-2017-0062 – Velocity, E 11<sup>th</sup> St).

The subject tract is adjacent to office and commercial buildings to the south. The tract proposed for rezoning occupies the remainder of the block. The IH-35 access road is situated directly east of the tract. Across adjacent streets, nearby land uses are office and the Travis County Medical Examiner across E 12<sup>th</sup> Street to the north, office across Sabine Street to the West.

The applicant is requesting a zoning change to the central business district (CBD). The applicant has stated “The preliminary plan is to redevelop the properties to allow for a mixed use development

using 100% [impervious cover], 100% [building coverage] and max 45 stories.” These are the only details available at this time concerning the proposed development.

The subject tract is located in the Waller Creek District of the Downtown Austin Plan (DAP), which was adopted in 2011. The DAP identifies the tract as a privately owned Development Opportunity Site, one which is relatively unconstrained. In addition, DAP recommends CBD zoning for the tract and others in the vicinity - the strip of land between the IH-35 and Red River Street from just north of E 12<sup>th</sup> Street to just South of E 9<sup>th</sup> Street. Some of these properties have been rezoned to CBD, such as 707 E 9<sup>th</sup> St, 703 E 9<sup>th</sup> St, and 1209 Red River St. (See Exhibit E – Excerpts from DAP).

The recommended CBD zoning classification is intended to expand entitlement rights to develop the property in a way that will encourage a mix of land uses while allowing the pursuit of district specific goals. For the Waller Creek Subdistrict, these include “Establish activities along the Creek that contribute to its safety and vitality and to the area’s economic revitalization” and “Encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel.” At minimum, the rezoning will allow for a site plan in accordance with these and other goals. At the time of site plan, the applicant will be required to coordinate with the Waller Creek District Design Review Board regarding the development of the tract. This board consists of members of the Waller Creek Conservancy and City of Austin Staff.

One constraint on the tract is its location within two Capitol View Corridors (CVCs), which traverse the site, which will limit the height of a building to approximately 75 to 100 feet above existing grade. (See Exhibits C and D). A fair notice application was filed for this site on May 18 2017, vesting to current regulations. Therefore, ordinances passed after that date, such as new Capitol View Corridors, will not apply, provided that a complete site plan application is filed within one year of the fair notice application.

In the Imagine Austin Comprehensive Plan, downtown is designated as a Regional Center, the most urban place in the region. Higher densities are encouraged in these areas, including medium to high-rise residential and office buildings. For the reasons stated above, Staff believes the request is supported by the Downtown Austin Plan and the Imagine Austin Comprehensive Plan, and recommends CBD zoning.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	CS	Office / Parking Area
<i>North</i>	E 12 <sup>th</sup> St, then LR, GO	Office, Travis County Medical Examiner
<i>South</i>	CS, then E 11 <sup>th</sup> St	Office, Commercial, then E 11 <sup>th</sup> St
<i>East</i>	(N/A) IH-35	(Highway) IH-35
<i>West</i>	Sabine St, then CS, CS-1	Sabine St, then Office

**NEIGHBORHOOD PLANNING AREA:** Downtown Austin Plan (Waller Creek District)

**TIA:** No, however a TIA may be required at the time of site plan.

**WATERSHED:** Waller Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** East Eleventh Street Threshold, East Seventh Street Bridge Over the Texas – New Orleans Railroad

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

<i>Community Registry Name</i>	<i>ID</i>
African American Cultural Heritage District	1344
Austin Heritage Tree Foundation	1340
Austin Independent School District	742
Austin Neighborhoods Council	511
Bike Austin	1528
Black Improvement Association	1407
Central Austin Community Development Corporation	1391
City Of Austin Downtown Commission	623
Del Valle Community Coalition	1258
Downtown Austin Alliance	438
Downtown Austin Neighborhood Assn (DANA)	402
East Austin Conservancy	1444
El Concilio Mexican-American Neighborhoods	477
Friends Of Austin Neighborhoods	1530
Homeless Neighborhood Association	1550
Lower Waller Creek	960
Preservation Austin	1424
Seltexas	1363
Sierra Club Austin Regional Group	1228
United East Austin Coalition	1199
Waller Creek Conservancy	1393
Waller District Staff Liaison	1475

**SCHOOLS:** Matthews Elementary, O Henry Middle School, Austin High School

**CASE HISTORIES:**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2017-0062 Velocity – E 11 <sup>th</sup> Street 610 E 11th Street	From CS and CS-1 to CBD	7-27-17- Approved CBD as Staff rec.	Scheduled for 8/10/2017
C14-2017-0027 Texas Motor Transportation & Oil Field Haulers, Inc. 700 E 11th Street	From CS to CBD	Scheduled for 8/1/17	Scheduled for 8/31/17
C14-2014-0163 Walker Brothers Ventures 707 E 9 <sup>th</sup> Street	From CS to CBD	11-12-14 - Apvd CBD, as Staff rec	12-11-14 - Apvd CBD district zoning as PC rec. (Ordinance #20141211- 170)
C14-2014-0162 Buratti .33 703 E 9 <sup>th</sup> Street	From CS to CBD	11-12-14 - Apvd. CBD as Staff rec.	12-11-14 - Apvd CBD district zoning as PC rec. (Ordinance #20141211- 171)
C14-2013-0111 9th Red River LLC 805 Neches St	From DMU-CO to DMU	10-22-13 - Apvd DMU (staff)	11-21-13- Apvd ord # 20131121-099 for DMU
C14-2013-0028 USPS 805 Neches	From MF-4, CS-1, to DMU	04-23-13- Apvd DMU-CO (staff)	05-23-13 - Apvd ord # 20130523-100 for (DMU-CO) CO for 2,000 trips
C14-2012-0087 Waterloo Park Nalle 1209 Red River Street	From CS-1 to CBD	08-28-12 – Apvd CBD- CO per staff's recommendation	09-27-12- Apvd ord. # 20120927-136 for (CBD)
C14-2008-0094 Triangle 700 E 8 <sup>th</sup> Street	From P to CBD-CURE	12-09-08 - Apvd staff rec of CBD-CURE	01-29-09 - Apvd Ord. 20090129-038 for CBD- CURE

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-2008-0007 Stubb's North 811 Red River Street	From CS-1, CS, & CBD-CURE to CBD- CURE	04-14-09- Apvd staff rec of CBD-CURE w/amendments	04-30-09 - Apvd Ord. 20090430-046 for CBD- CURE-CO (CO modifies CURE to allow outdoor entertainment, reduce parking requirements, and limit trips to 2,000 per day
C14-2008-0006 Stubb's South 801 Red River St	From DMU to CBD- CURE	04-14-09- Apvd staff rec of CBD-CURE w/amendments	04-30-09 - Apvd Ord. 20090430-045 for CBD- CURE-CO (CO for limits trips to 2,000 per day)
C14-06-0234 The Mohawk 912 Red River Street	From CS-1 to CBD	02-13-07 - APVD STAFF ALT REC OF CBD-CO	03-22-07 - Apvd Ord 20070322-055 for CBD- CO (CO limits trips to 2,000 per day)
C14-04-0185 / C14- 04-0173 Neches Oak Tower 501 E 10 <sup>th</sup> Street 901 Neches Street	From CS to CBD	04-19-05 - APVD STAFF REC OF CBD-CO	06-09-05 - APVD CBD- CO (CO limits trips to 2,000 per day)

**RELATED CASES:** None on the subject tract.

**SUBDIVISION:** Four unplatted lots on the south side of E 12<sup>th</sup> Street, between Sabine Street to the west and the IH-35 access road to the east.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
IH 35	350 ft.	48 ft.	Highway	Yes	Yes	Yes
E 12 <sup>th</sup> Street	120 ft.	24 feet (divided)	Arterial	Yes	Yes, wide curb lane	Yes
Sabine Street	80 ft.	40 ft.	Collector	Yes	No	Yes

TR1. 12<sup>th</sup> Street is a major arterial and has limited access. Please consult with Austin Transportation Department for access requirements and details.

TR2. The Austin Metropolitan Area Transportation Plan calls for a total of 400 feet of right-of-way for IH 35. TxDOT may request dedication or reservation of additional right-of-way in accordance with the Transportation Plan when the site is redeveloped [LDC, Sec. 25-6-51 and 25-6-55].

TR3. Additional right-of-way maybe required at the time of subdivision and/or site plan.

TR4. According to the Austin 2014 Bicycle Plan approved by Austin City Council in November, 2014, a protected bike lane is recommended for IH-35, and a protected bike lane is recommended for 12<sup>th</sup> Street.

TR5. FYI – The proposed zoning site has less than 200 feet of frontage along IH 35 and alternative access is available from Sabine Street and the adjacent alley. At the time of Site Plan Application, per LDC 25-6-381, access shall be prohibited to IH 35.

TR6. FYI – Existing non-conforming driveways are required to conform with City standards, including driveway closing and curb construction where appropriate at the time of site plan application.

**CITY COUNCIL DATE: August 10, 2017**

**ACTION:**

**ORDINANCE READINGS: 1st**

**2<sup>nd</sup>**

**3<sup>rd</sup>**

**ORDINANCE NUMBER:**

**CASE MANAGER: Scott Grantham**

**PHONE: 512-974-3574**

**EMAIL: Scott.Grantham@austintexas.gov**

## **BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The CBD zoning district is intended for an office, commercial, residential, or civic use located in the downtown area. This zoning district is appropriate for this site based on its location within the downtown area.

2. *The rezoning should be consistent with the policies and principles adopted by the City Council or Planning Commission.*

The CBD zoning district is appropriate for this site as it is supported by the Austin Downtown Plan that was adopted by City Council in December, 2011. The subject property is proposed for a zoning change to Central Business District-CBD zoning district (Exhibit C). While there is no specific use or project planned for the subject property at this time, the zoning change to CBD will grant entitlement rights to develop the property in a way that will implement the following district-specific goals:

- 5. Encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel.
- 6. Establish activities along the Creek that contribute to its safety and vitality and to the area's economic revitalization.

The zoning change is also congruent with the Imagine Austin Plan that encourages infill and redevelopment, specifically in those areas classified as a 'Regional Center' on the Imagine Austin's Growth Concept Map.

3. *The proposed zoning should promote consistency and orderly planning.*

The CBD zoning district would be compatible and consistent with the properties that have CBD zoning in neighboring blocks.

## **EXISTING CONDITIONS**

### ***Site Characteristics***

The tract is currently developed with an office building, covered parking area, and surface parking lot. The parking areas on the tract are surrounded by a 6 ft metal fence. Access is taken from E 12<sup>th</sup> Street, and from Sabine Street. There is a grade separation from the property to the south and there is a 2 – 4 ft retaining wall separating the two properties. There are no critical environmental features on the tract and it is not in a floodplain.

### ***Impervious Cover***

The tract is located in an Urban Watershed and therefore the zoning district will determine the impervious cover limits. The CBD zoning district allows up to 100% impervious cover.

### ***Comprehensive Planning – Tonya Swartzendruber – 512-974-3462***

**Downtown Austin Plan** - The subject property is located in the Waller Creek District of the Downtown Austin Plan. The subject property has been identified in the plan document as a 'Development Opportunity Area' (pg. 54) and as a property that is proposed for a zoning change to Central Business District-CBD zoning district (pg. 79). While there is no specific use or project planned for the subject property at this time, the zoning change to CBD will grant entitlement rights to develop the property in a way that will help to implement the following district-specific goals:

- 5. Encourage new development that promotes the area as a diverse, livable, and affordable mixed-use district with a distinctly local feel.
- 6. Establish activities along the Creek that contribute to its safety and vitality and to the area's economic revitalization.

**Imagine Austin Plan** - The subject property is located within the boundaries of a 'Regional Center', as identified in the Imagine Austin's Growth Concept Map, found in the Imagine Austin Plan. A Regional Center is the most urban of the three activity centers outlined in the growth concept map and are intended to be retail, cultural, recreational, and entertainment destinations for Central Texas. These are also the places where the greatest density of people and jobs and the tallest buildings in the region will be located. The densities, buildings heights, and overall character of a center will vary depending on location. Regional centers will range in size between approximately 25,000-45,000 people and 5,000- 25,000 jobs. The following IACP policies are applicable to this case:

- **LUT P3** Promote development in **compact centers**, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.
- **LUT P7.** Encourage infill and redevelopment opportunities that place residential, work, and retail land uses in proximity to each other to maximize walking, bicycling, and transit opportunities. Based on the information above, Staff believes that the proposed zoning change is supported by both the Downtown Austin Plan and the Imagine Austin Comprehensive Plan.

### ***Site Plan – Ramon Rezvanipour - 512-974-3124***

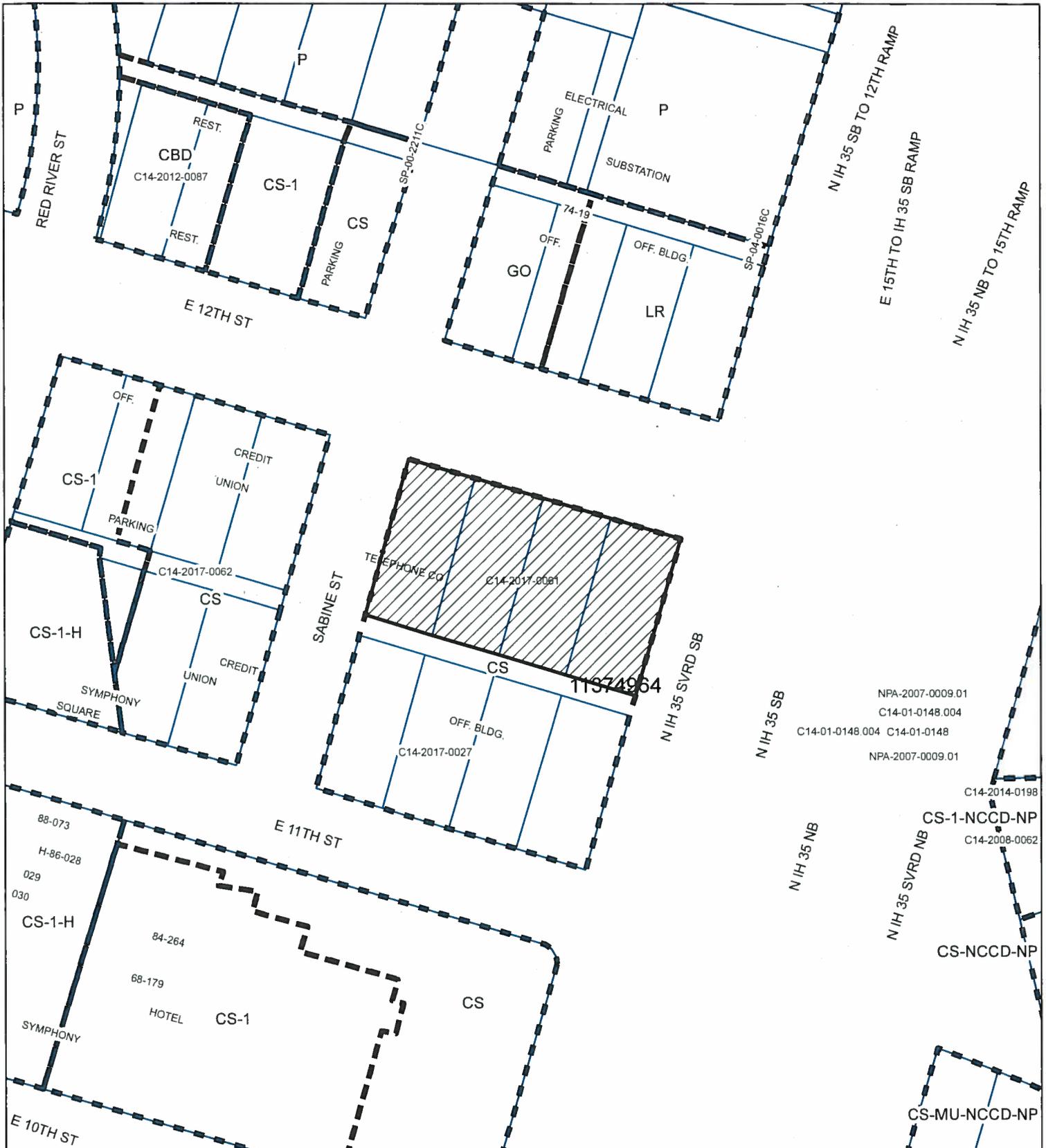
- SP 1. Site plans will be required for any new development other than single-family or duplex residential.
- SP 2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540 feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.
- SP 3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.
- SP 4. FYI – This site is located within the Capital View Corridor Overlay, the Central Urban Redevelopment Combining District, and the Downtown Neighborhood Plan Area. Additional comments may be generated during the site plan review process.

***Environmental – Mike McDougal – 512-974-6380***

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Zoning district impervious cover limits apply in the Urban Watershed classification.
3. According to floodplain maps there is a floodplain adjacent to the project location.
4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. This site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm.

***Water Utility – Bradley Barron – 512-972-0078***

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. Depending on the development plans submitted, water and or wastewater service extension requests may be required. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.



NPA-2007-0009.01  
 C14-01-0148.004  
 C14-01-0148.004 C14-01-0148  
 NPA-2007-0009.01  
 C14-2014-0198  
 CS-1-NCCD-NP  
 C14-2008-0062  
 CS-NCCD-NP  
 CS-MU-NCCD-NP

## ZONING EXHIBIT A

Zoning Case: C14-2017-0061

- SUBJECT TRACT
- PENDING CASE
- ZONING BOUNDARY

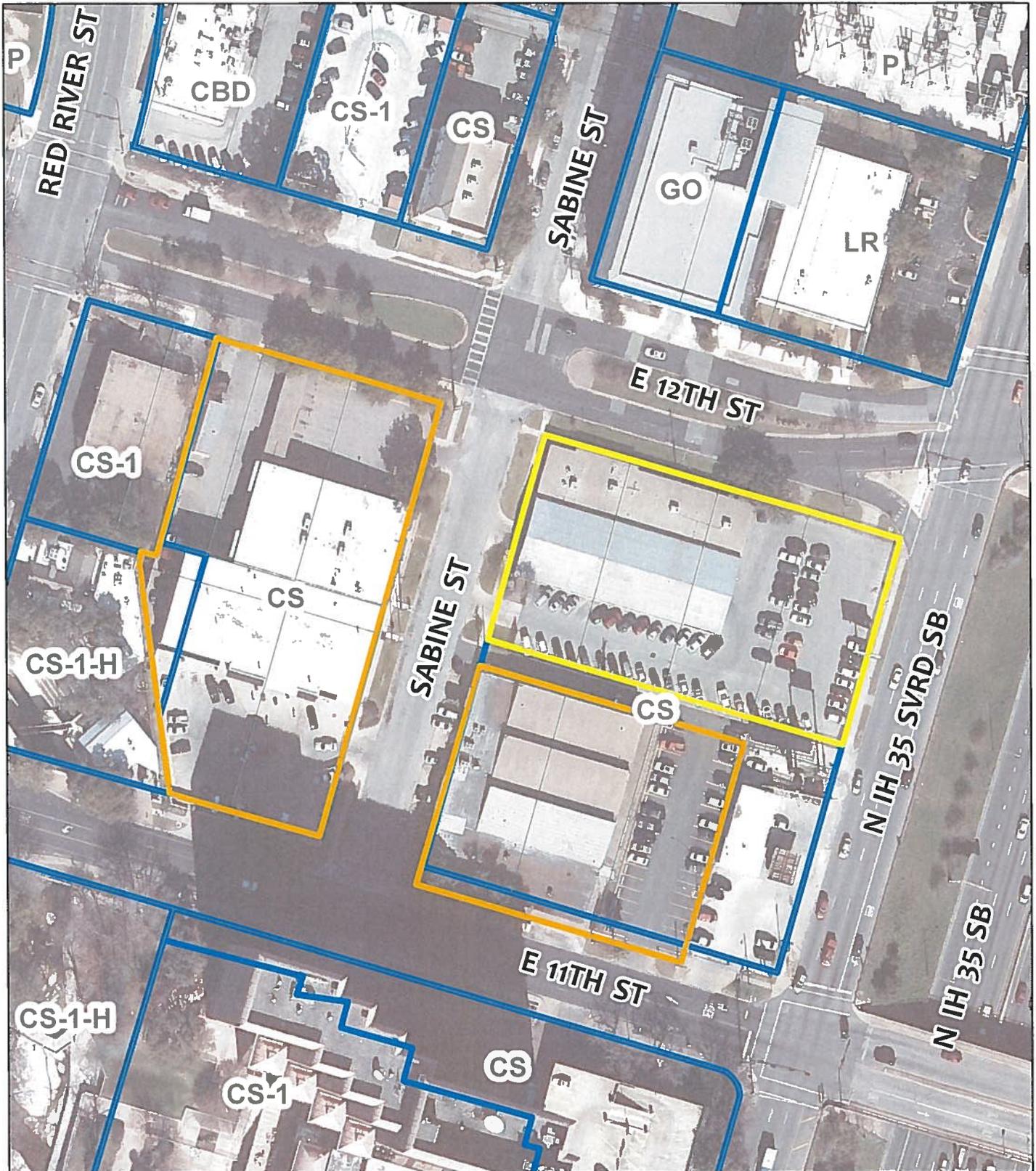


1" = 125'

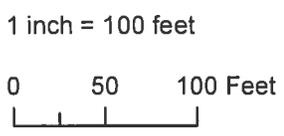
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





-  N
-  Subject Tract
-  Pending Case
-  Zoning Boundary

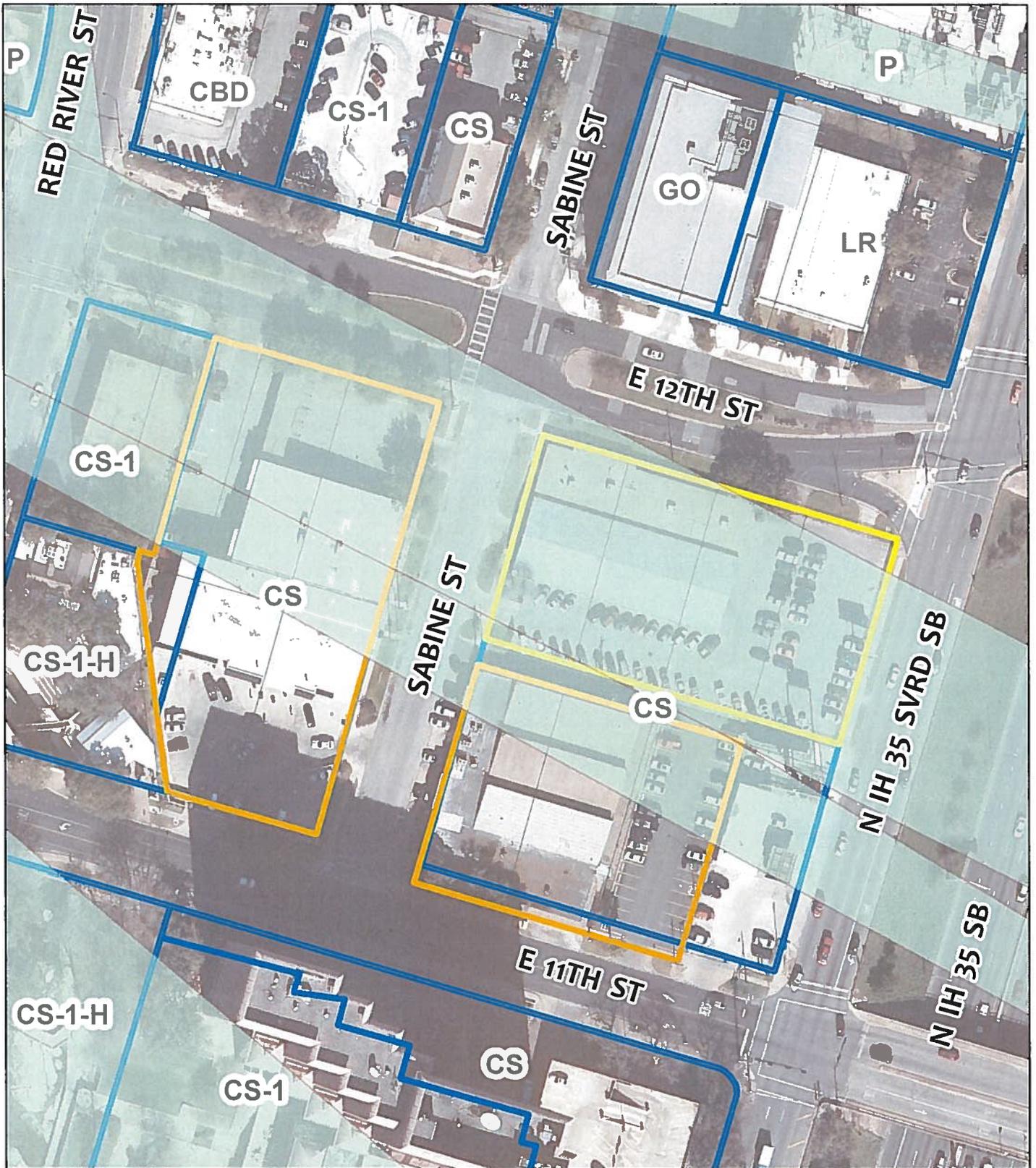


## ZONING & VICINITY - EXHIBIT B

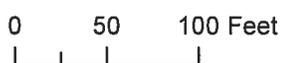
Zoning Case: C14-2017-0061  
 Address: Velocity - E 12th Street  
 Subject Area: 1.0771 Acres  
 Case Manager: Scott Grantham



This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



1 inch = 100 feet



- Approved CVCs
- Subject Tract
- Pending Case
- Zoning Boundary

## CAPITOL VIEW CORRIDORS (CVCs)

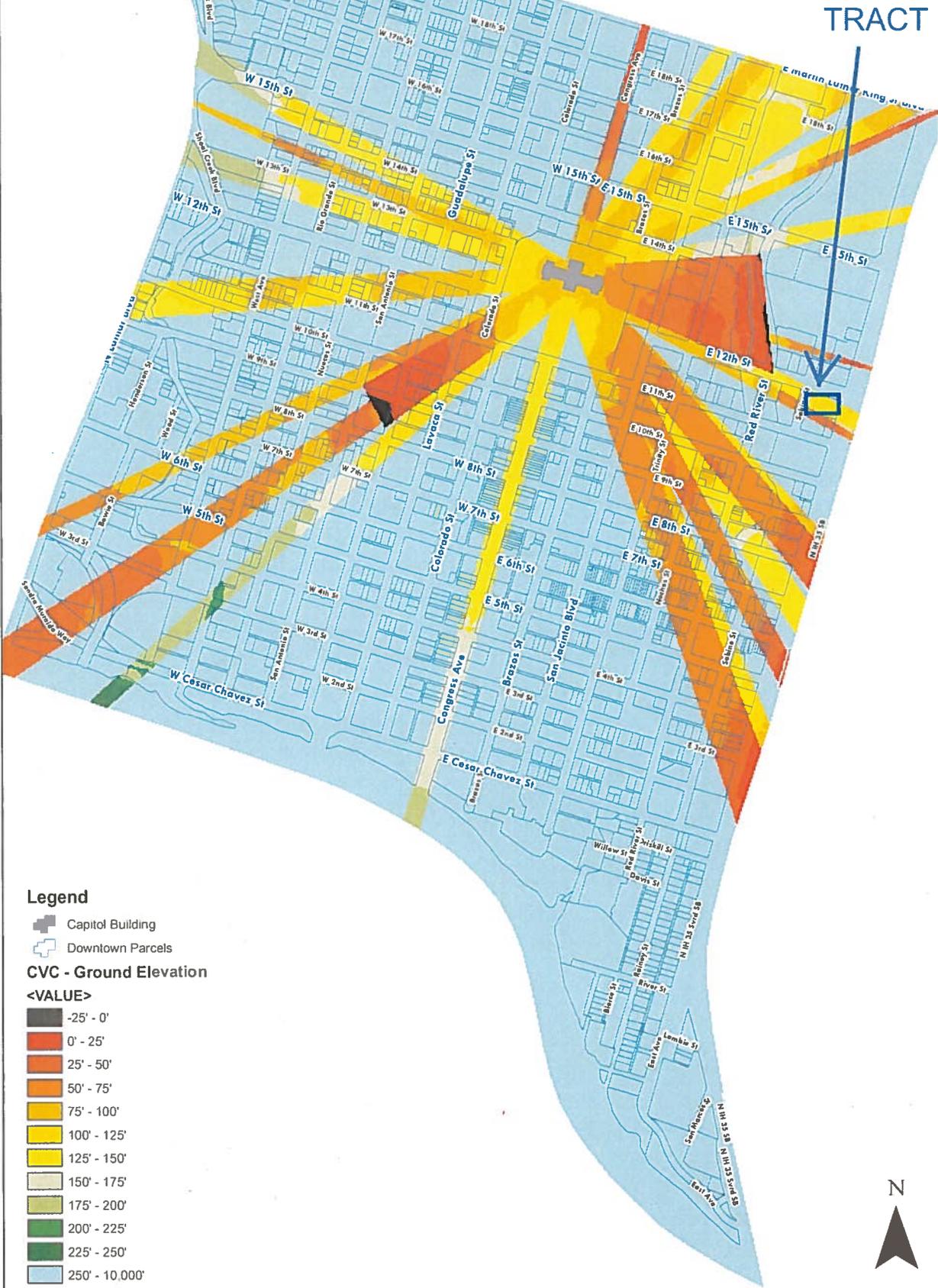
Zoning Case: C14-2017-0061  
 Address: Velocity - E 12th Street  
 Subject Area: 1.0771 Acres  
 Case Manager: Scott Grantham

**EXHIBIT C**

This map has been produced for the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

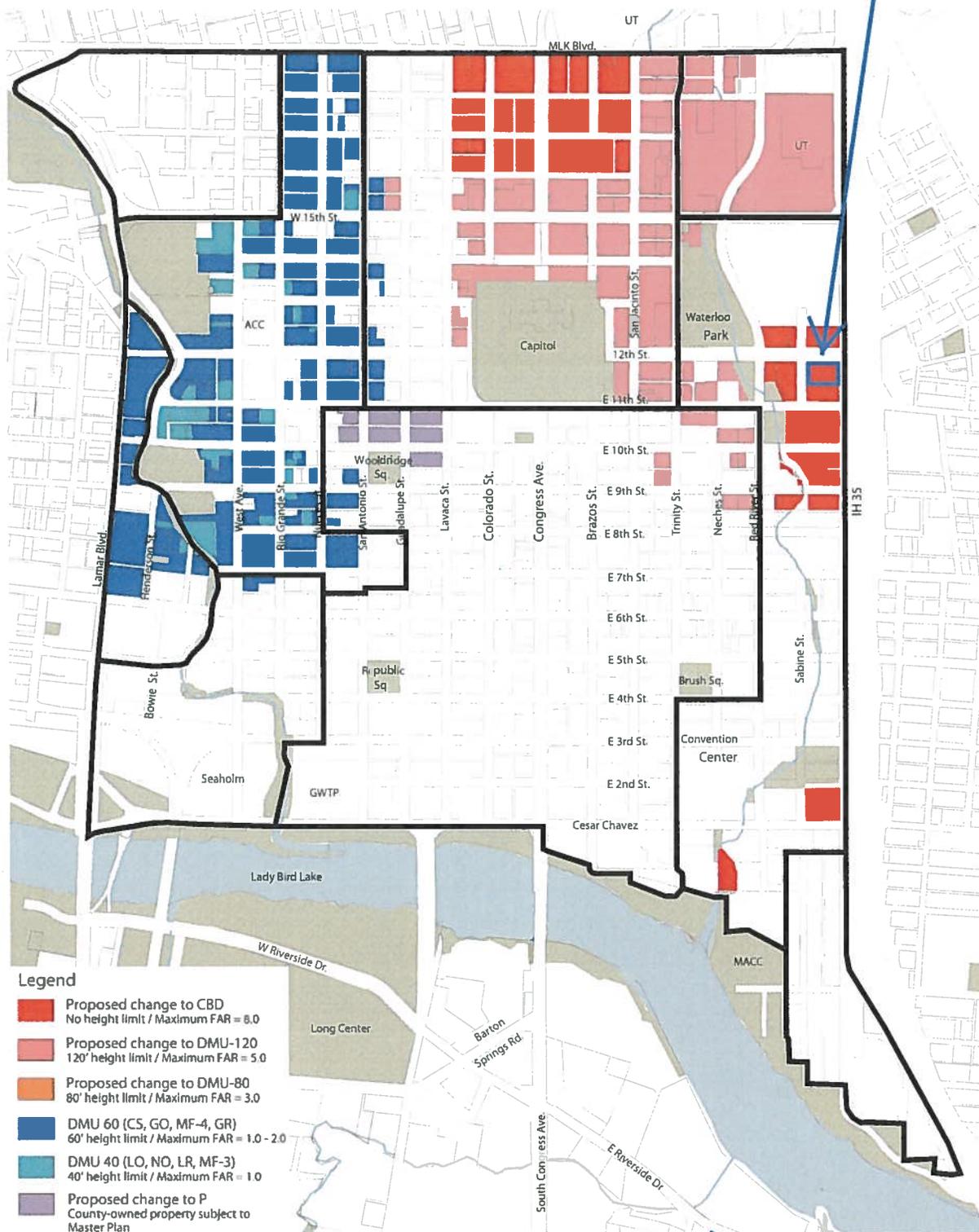


# EXHIBIT D - CVC HEIGHT ESTIMATES



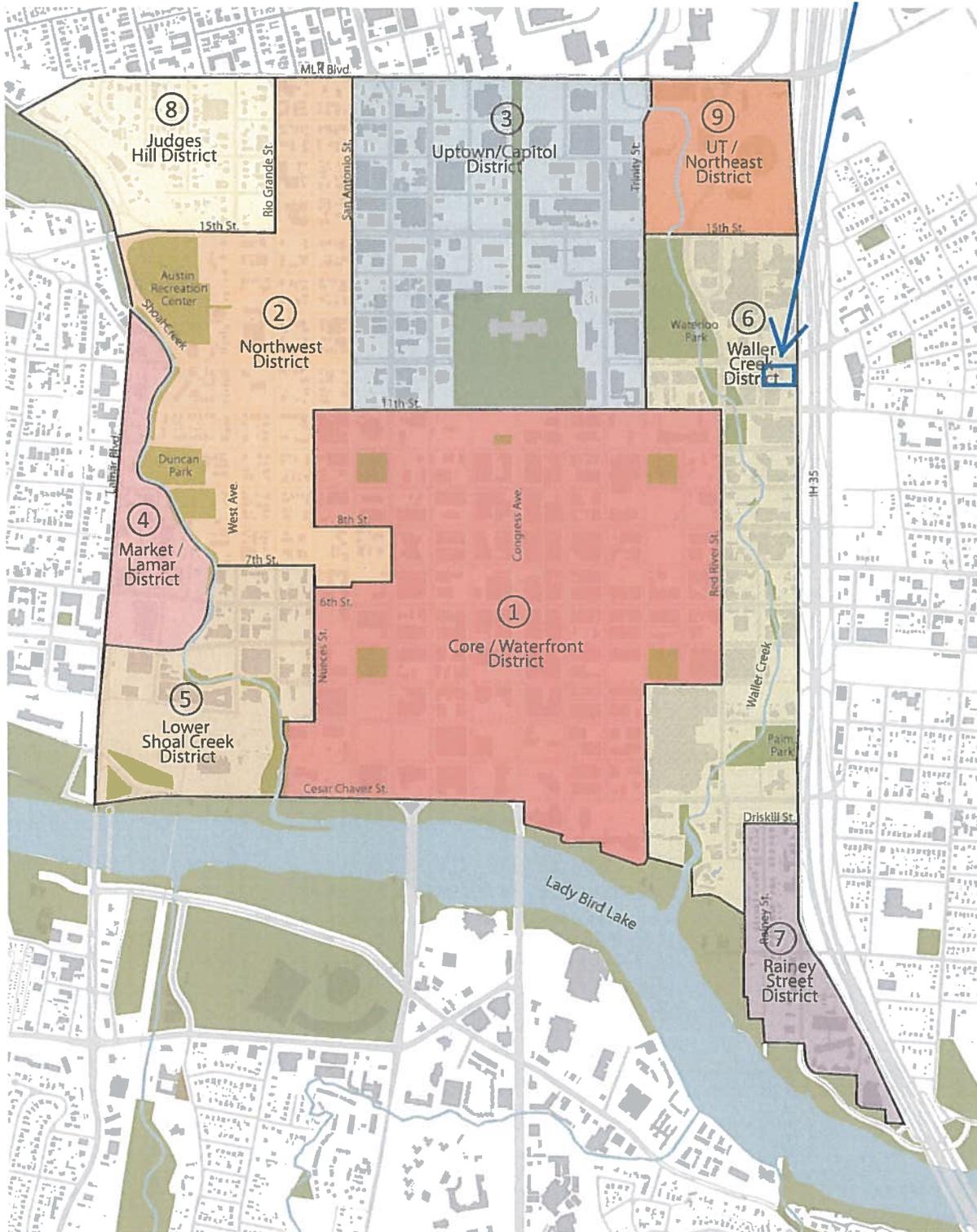
# EXHIBIT E - EXCERPTS FROM DAP

# TRACT



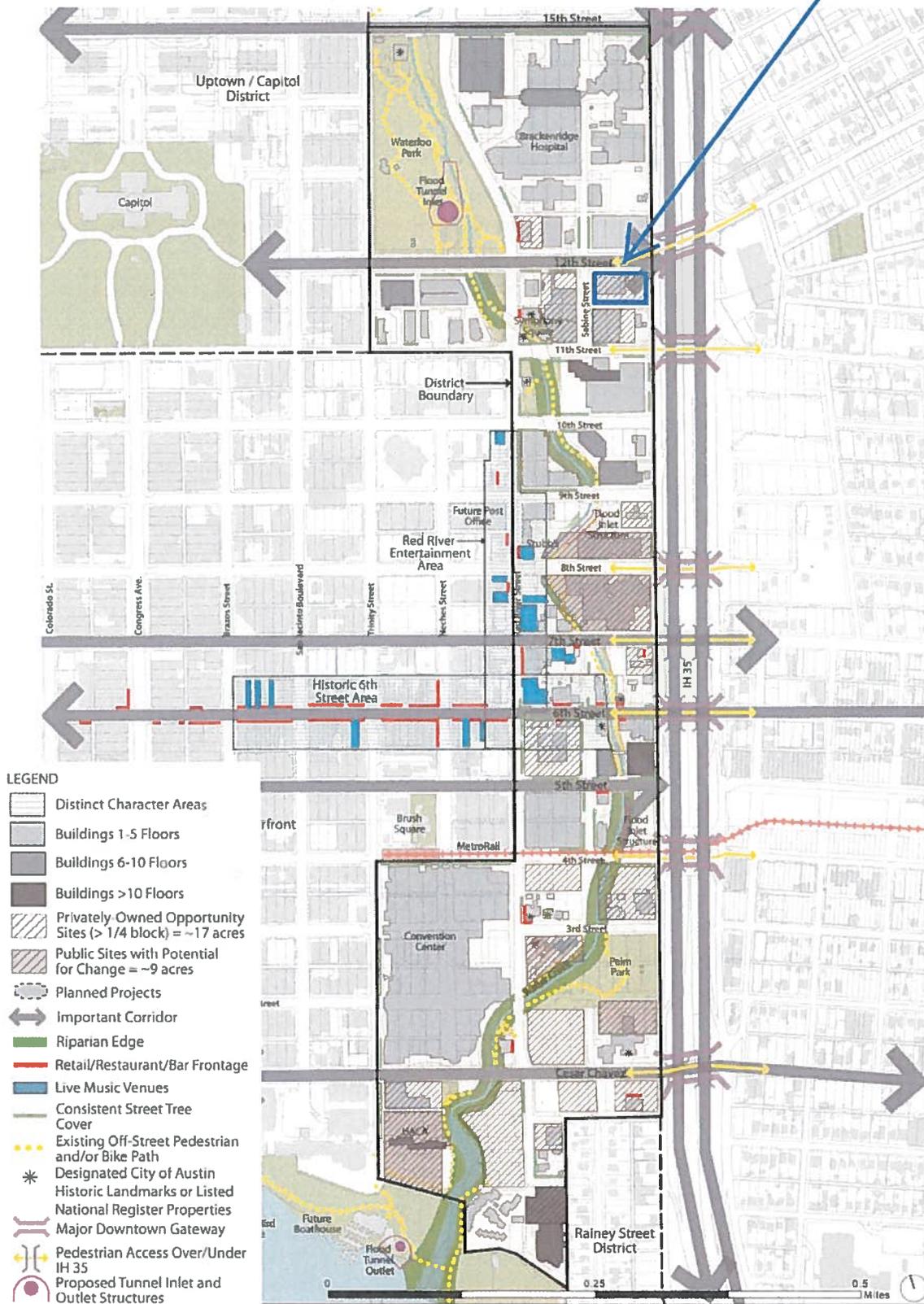
Proposed Downtown Zoning Changes

TRACT



Downtown Districts Map

TRACT



Waller Creek District Form and Character Analysis